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SUBJECT: OPPOSITION MPS CONTINUE TO FAN DEBATE ON
CONTINUITY OF GOVERNMENT

REF: KABUL 866

¶1. (SBU) SUMMARY. Although most of Afghanistan's political establishment has moved on, some parliamentarians continue to stir debate over continuity of government after the May 22 constitutional expiration of President Karzai's term. The Supreme Court last month affirmed the legitimacy of Karzai remaining in office until the election - an opinion accepted by many MPs and leading opposition candidates, although never formally ratified by legislation (reftel). The MPs keeping this debate alive are aware it is a battle they cannot win, but are determined to use the issue in an attempt to weaken and embarrass Karzai heading into election season, even if it further marginalizes the already weak legislative branch.
End Summary.

Majorities in Both Houses Supportive, But Unable to Muster
Official Vote

¶2. (SBU) In the four weeks since the Supreme Court's statement supporting Karzai remaining in office after May 22, several MPs have weighed in with their official support. In a poorly attended Upper House session shortly after the Court's announcement, some 45 MPs - nearly all present - approved a voice-vote resolution backing the court's opinion. However, a few MPs later criticized Deputy Speaker Hamed Gailani (Paktia, Pashtun) for presenting the vote as an official Upper House statement even though there was not a quorum present. (Notably, Gailani and other Upper House leaders have not called for an official vote when the Upper House has had a quorum - despite the fact that two-thirds of the members owe their seats to Karzai.)

¶3. (SBU) Opposition leader and Lower House Speaker Yunus Qanooni (Kabul, Tajik), a regular thorn in Karzai's side, has allowed debate over Karzai's legitimacy to drag on in the chamber's debates and committee meetings. While Qanooni has privately told US officials he accepts the rationale for Karzai remaining in office over the summer, he has done nothing to resolve the debate, but instead quietly keeps it alive. Earlier this month, Qanooni appointed a 20-member parliamentary commission (10 Karzai supporters and 10 opponents) to study the issue, all but guaranteeing stalemate and continued debate. Qanooni told the Charge on April 29 that he believed the commission was "hopelessly deadlocked" and did not expect any progress before May 22.

¶4. (SBU) One anti-Karzai MP on the Lower House commission showed PolOff his side's proposal for the interim period, a proposal which would place significant restrictions on a Karzai-led interim government. The plan would require Parliament's approval both for Karzai to stay on and for separate confirmation votes for any new interim vice presidents. The proposal also prohibited the interim president from making Cabinet shuffles. Karzai supporters rejected the resolution as extra-constitutional, and no one expects the proposal to gain any traction.

15. (SBU) Afghan media reported on April 27 the Palace had issued a statement praising the decision of 150 MPs to support the Supreme Court announcement backing Karzai's extended tenure. Post contacted several MPs who confirmed they were among those supporting continuity of government under Karzai, but none could provide a copy of the statement, nor would any name more than a handful of other MPs who shared their opinion.

16. (SBU) A separate group of MPs (media reports put the group's numbers at "more than 70") launched a campaign to press Karzai into submitting his plan for continuity of government to Parliament for approval. This group has also been unable to provide a list of named supporters in Parliament or introduce a resolution to either house.

Cynical Opposition Sacrifices Institution Building for Politics

17. (SBU) Most opposition leaders accept the government will stay on after May 22 whether or not Parliament voices its support or formally presents an alternate option. However, they hope to undermine Karzai's image by prolonging the debate. Some Lower House MPs, like Kabir Ranjbar (Kabul, Pashtun), are genuinely motivated to legalize the post-May 22 government across all three branches. Ranjbar believes that if the interim arrangement has official buy-in from Parliament, opposition groups will be less likely to protest

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or agitate against the government over the summer. However, too few MPs are seeking a reasonable compromise. Speaker Qanooni has once again played the role of protagonist, stoking the debate to the point where easy resolution is unlikely, while presenting himself as an innocent bystander. This short-sighted approach by Qanooni and his supporters serves only to further marginalize an already weak legislative branch, increasingly tipping the balance of power to the executive.
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